

15. (New) A veneer as recited in Claim 1, wherein said second polyether polyalcohol further comprises ethylene oxide.

B² 16. (New) A veneer as recited in Claim 1, wherein said third polyether polyalcohol further comprises ethylene oxide.

REMARKS

Claims 1-4 remain in the application with Claim 1 being independent. New claims 7-16 have been added by the present amendment.

The Examiner had issued a restriction requirement with respect to previous Claims 1-4. The Examiner requested election of one of three species. The Examiner had restricted the claims as follows: Group I, Claims 1 and 2, drawn to a compact veneer; Group II, Claim 3, drawn to a molding; and Group III, Claim 4, drawn to the process of producing moldings. During a telephone conversation with Mr. Fernando Borrego on April 20, 2000 a provisional election was made with traverse to prosecute the invention of Group I, Claims 1 and 2. The Examiner had withdrawn Claims 3 and 4 from further consideration, as being drawn to a non-elected invention. Applicants hereby confirm the election of Group I, Claims 1 and 2. Applicants submit that new Claims 7-16, which depend from Claim 1, are also included in this group.

The Examiner rejected Claims 1 and 2 under 35 USC § 112, first paragraph, because, the Examiner stated "it is unclear how 'compact' modifies or further limits 'veneer'. Applicants have not clearly defined the term." In order to further prosecution of the existing claims

Applicants have removed the term “compact” from Claim 1. However, Applicants direct the Examiner to Page 3, Lines 14-16 of the specification wherein Applicants state that the veneers of the present application usually have a thickness of from 0.1 to 5 mm, and state that this is what is meant by “compact”. Thus, because this term has been removed from amended Claim 1, this rejection is overcome.

The Examiner rejected Claims 1 and 2 under 35 USC § 112, first paragraph, because “Applicants have failed to specify if the molecular weights are weight average or number average or how they have been determined.” Claim 1 has been amended to state that the molecular weights are in terms of a number average molecular weight. Applicants provide for the Examiner’s consideration a publication by Olin Corporation of April 1998 entitled “Terms and Formulas Used in Urethane Polymer Preparations”. The article establishes that those of ordinary skill in the field of polyurethanes would understand that a reference to “molecular weight” of a polyol is to a number average molecular weight.

Specifically, the article acknowledges that the “[w]eight average molecular weight is seldom used in polyurethane calculations...” (our numbered pages 1-2). Furthermore, when speaking of hydroxyl numbers as set forth in Applicant’s specification at page 4, it is well known to those of ordinary skill in the art that the molecular weight can be calculated using the hydroxyl number of the polyol and that this molecular weight is the number average molecular weight. At our numbered page 1 in the article, the author states the following:

Mn[number average molecular weight] is most useful in polyurethane Calculations since it is inversely proportional to the...hydroxy number (OH). For a definition of MN in terms of...OH numbers, see [18].

Formula 18 is set forth on page four of the article as shown below:

$$\frac{1000(56.1)f}{OH} = Mn$$

Applicants submit that this publication is objective evidence to those of ordinary skill in the art prior to the filing date of this application that the correlation between the hydroxyl number and the molecular weight was known and that the correlation is with a number average molecular weight. Applicants' application is directed to the field of polyurethanes where it is commonly understood that the molecular weight of the polyol is the number average molecular weight. Thus, support exists in the specification for explicitly identifying the molecular weight as a number average molecular weight. Therefore, withdrawal of the rejection is requested since the claims now recite a number average molecular weight.

The Examiner rejected Claims 1 and 2 under 35 USC § 112, second paragraph, as being indefinite. Specifically, the Examiner pointed to the use of the term "based on" with components b11) and b12). In addition, the Examiner stated "component b13) is not mutually exclusive from components b11), b12) or b14), and component b14) is not mutually exclusive from components b11), b12), or b13)."

Claim 1 has been amended to remove the term "based on". In addition, Claim 1 has been amended to recite a first, a second, and a third polyether polyalcohol and that these polyether polyalcohols are mutually exclusive of and structurally distinct from each other. In addition, the polyalcohol b11) differs from the polyalcohol b12) based on its initiator. Thus, these rejections are believed to be overcome.

The Examiner rejected Claims 1 and 2 under 35 USC § 102(b) as being anticipated by *Schwindt, et al.* ('423) or *Grogler* ('497). The Examiner alleged:

Patentees disclose polyurethane casting compositions suitable for producing molded elastomeric coverings, comprising the reaction product of a polyisocyanate and a propylene oxide derived polyether polyol, wherein the polyol is present in an amount which meets Applicants' claims. See abstract; column 4, lines 3-21, 67, and 68; column 5, lines 1-12; and column 7, lines 51-63, within *Schwindt et al.* See abstract; column 11, lines 3-22; and example 3, within *Grogler et al.*"

A rejection of a claim under 35 USC § 102(b) as being anticipated by a cited reference requires that each and every limitation of the rejected claim be found within a single cited reference. If even a single limitation is not found within the cited reference then a rejection of this claim based on the cited reference is improper and must be withdrawn.

Amended Claim 1 includes numerous limitations not found in either *Schwindt, et al.* or *Grogler, et al.* Amended Claim 1 is directed toward a veneer made from a reaction mixture comprising an isocyanate and a mixture of isocyanate reaction compounds. The mixture (b1) comprises:

"b11) from 15 to 90 percent by weight, based on the weight of the mixture (b1), of a first polyether polyalcohol, said first polyether polyalcohol comprising a hydroxyl functional initiator and propylene oxide, having a number average molecular weight of from 400 to 6,000 and a mean functionality of from 1.5 to 3;

b12) from a positive amount to 20 percent by weight, based on the weight of the mixture (b1), of a second polyether polyalcohol, said second polyether polyalcohol comprising an amine functional initiator and propylene oxide, having a number average molecular weight of from 400 to 6,000 and a mean functionality of from 1.5 to 3;

b13) from 0 to 35 percent by weight, based on the weight of the mixture (b1), of a third polyether polyalcohol having a number average molecular weight of from 150 to 7,000 and a mean functionality of from 2.1 to 5;

b14) from a positive amount to 30 percent by weight, based on the weight of the mixture (b1), of a bifunctional chain extender; ...

wherein said first, said second and said third polyether polyalcohols are mutually exclusive of and structurally distinct from each other.”

Such a reaction mixture is not disclosed in either of the cited references.

The *Schwindt, et al.* reference discloses a process for the production of a light fast, transparent polyurethane elastomer comprising reacting from 90 to 50 percent by weight of a compound having a molecular weight of from 400 to 10,000 which has at least two isocyanate reactive hydrogen atoms with from 50 to 10 percent by weight of an aliphatic and/or alicyclic polyisocyanate and from 0 to 20 percent by weight of a chain-lengthening agent having a molecular weight of from 60 to 400. *Schwindt, et al.* is specifically directed toward an improvement utilizing a unique catalyst combination of an alkali metal hydroxide and/or alkaline earth metal hydroxide with an organometallic compound selected from the group consisting of the acetyl acetonate of iron, C₁-C₈ alcoholates, phenolates, enolates and/or acetyl acetonates of metals of the 4th main group or sulfur-containing compounds of metals of the 4th main group, in which compounds the sulfur is directly attached to the metal atom. There is no disclosure in *Schwindt, et al.* of the very specific mixture of isocyanate-reactive compounds required by amended Claim 1. Specifically, *Schwindt, et al.* does not disclose a reaction mixture having specific amounts of a first polyether polyalcohol that is hydroxyl initiated in combination with a second polyether polyalcohol that is amine functional initiated, both of which are combined with a bifunctional chain extender. Thus, because amended Claim 1 includes several limitations neither found in nor made obvious by *Schwindt, et al.* the rejection of this claim, and the claims which depend therefrom under 35 USC § 102(b) based on *Schwindt, et al.* is improper and should be withdrawn.

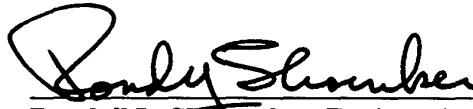
Grogler, et al. is directed toward a heat-curable polyether-polyester-polyurethane urea. *Grogler, et al.* discloses formation of this polyurethane by combining solid polyisocyanates with “OH- and/or NH₂-terminated polyoxyalkylene polyethers that have molecular weights of 400 to 10,000 and are liquid at room temperature” with “solid OH- and/or NH₂-terminated polyesters that have molecular weights of 400 to 20,000 and are solid at room temperature, and which are thoroughly distributed throughout the mixture but are not homogeneously miscible within the polyether”. Amended Claim 1 requires that the first, second, and third polyalcohols all be polyether polyols unlike *Grogler, et al.* which is a mixture of polyethers and polyester polyols. Furthermore, there is no disclosure in *Grogler, et al.* of combining specific amounts of a hydroxyl functional initiated polyether polyol with an amine functional initiated polyether polyol and a bifunctional chain extender to produce an elastomer as required by amended Claim 1. There is no disclosure in *Grogler, et al.* of such a specific combination. Thus, because amended Claim 1 includes numerous limitations neither found in nor made obvious by *Grogler, et al.* the rejection of this claim, and the claims which depend therefrom under 35 USC § 102(b) based on *Grogler, et al.*, is improper and should be withdrawn.

Applicant's attorney respectfully submits that the claims as amended are now in condition for allowance and respectfully requests such allowance.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS

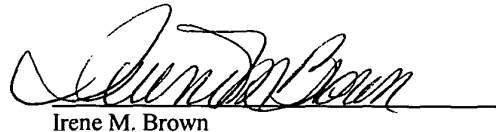
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